

Uzcátegui et al. v. Venezuela

ABSTRACT¹

This case is about the events surrounding the killing of Mr. Néstor José Uzcátegui by police, and the subsequent failure to properly investigate and prosecute, as well as the persecution, by police, of the family of the victim. The larger context is the authoritarian government by Hugo Chávez and the corrupt, abusive and unchecked activities of national police and security forces. The Court found violation of several articles of the American Convention. This case, together with several others lost by Venezuela, led to the State's withdrawal from the American Convention in 2013.

I. FACTS

A. Chronology of Events

1. Events pertaining to Mr. Néstor José Uzcátegui

January 1, 2001: Around 12:30 p.m., officials from the Police Investigations Department (“DIPE”) and the Armed Police Forces of the state of Falcón, forcibly and without a search warrant, enter the home of Mr. Néstor José Uzcátegui’s grandmother, Ms. Julia Chiquinquirá Jiménez in the Las Velitas II neighborhood of Coro.² The two groups rush into the house destroying property and attacking Mr. Uzcátegui’s relatives within the home.³ After searching the entire residence, the officials find Mr. Uzcátegui in the bathroom.⁴

The police open fire on Mr. Uzcátegui in front of his relatives.⁵

1. Rachel Yeung, Author; Theodore Nguyen, Editor; Kathryn Benson, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Uzcátegui et al. v. Venezuela, Admissibility Report, Report No. 50/80, Inter-Am. Comm’n H.R., Case No. 298-07, ¶ 15 (July 24, 2008); *see* Uzcátegui et al. v. Venezuela, Merits and Reparations, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 249, ¶¶ 39–40 (Sept. 3, 2012).

3. Uzcátegui et al. v. Venezuela, Admissibility Report, ¶ 15.

4. *Id.* ¶ 16.

5. *Id.* The relatives present include Mr. Luis Enrique Uzcátegui, brother; Mr. Carlos Eduardo Uzcátegui, brother; Ms. Gleimar Coromoto Uzcátegui Jiménez, sister; Ms. Paula Yulimar

The officials continue to fire as Mr. Uzcátegui, already injured, exits the bathroom.⁶ Police escort some of the relatives out of the residence as Mr. Uzcátegui holds his niece, and later his dog, in front of him in an attempt to curb the shooting.⁷ The shooting continues, and eventually the police drag Mr. Uzcátegui's body outside and throw him into the back of a truck.⁸ Mr. Uzcátegui is taken to the Alfredo Van Brieken University Hospital where he is subsequently declared dead from exsanguination due to a gunshot wound to the thorax.⁹

The driving force behind this incident is unclear, but there are allegations that Mr. Uzcátegui had a conflict with a police officer's son.¹⁰

January 2, 2001: The Second Prosecutor of the State of Falcón opens an investigation into Mr. Uzcátegui's death.¹¹

January 3, 2001: The Technical Corps of the Judicial Police ("CTPJ") asks the Commander General of the Armed Police Forces to identify the individuals that took part in the incident.¹²

January 5, 2001: The Second Prosecutor's Office requests that the CTPJ take statements from officers involved in the incident, retain experts to assess the weapons, survey the crime scene and vehicles, and run a ballistics test.¹³

January 18, 19, and 26, 2001: Family members present at the incident give their statements to the CTPJ.¹⁴

February 6, 2001: The Senior Prosecutor of the Public Prosecutor's Of-

Uzcátegui Jiménez, sister; Mr. Irmely Gabriela Uzcátegui Jiménez, sister; Ms. Julia Chiquinquirá Jiménez, grandmother; and Ms. Josianni de Jesús Mora Uzcátegui, niece. Uzcátegui et al. v. Venezuela, Merits and Reparations, n.45. Mr. Uzcátegui's other relatives include Mr. Luis Gilberto Uzcátegui, father; Ms. Yrma Josefina Jiménez, mother; Mr. Gregorio Mavarez Jiménez, brother; and Mr. Jose Leonardo Mavarez Jiménez, brother. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 281.

6. *Id.*

7. *Id.*

8. *Id.*

9. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 40. Mr. Uzcátegui was twenty-one at the time. *Id.* ¶ 39.

10. Uzcátegui et al. v. Venezuela, Admissibility Report, ¶ 17.

11. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 44.

12. *Id.* ¶ 46.

13. *Id.* ¶ 47.

14. *Id.* ¶ 45.

office assigns the case to the First Prosecutor of the Public Prosecutor's Office ("First Prosecutor").¹⁵

June 14, 2001: The First Prosecutor again asks the CTPJ to take officer statements, retain experts, and survey the crime scene, and additionally requests a more comprehensive report of facts, including an assessment into the vehicles used during the incident and an identification of potential witnesses.¹⁶

September 19, 2001: The CTPJ requests statements from the police officials involved, as well as delivery of the weapons and vehicles used.¹⁷

September 26, 2001: Mr. Nelson Gregorio Saavedra, Mr. Valdemar Rodríguez, and Mr. Juan Alexander Rojas Reyes, the identified police officials, give statements to the CTPJ.¹⁸

October 10, 2001: Mr. Luis Uzcátegui, Mr. Uzcátegui's older brother, inquires after the status of the investigation.¹⁹

October 17, 2001: The Senior Prosecutor informs Mr. Luis Uzcátegui that the case has been transferred to the Seventh Prosecutorial Unit of the Public Ministry ("the Seventh Prosecutorial Unit").²⁰

February 21, 2002: The Seventh Prosecutorial Unit requests a ballistics test, a survey of the scene, and an interview of Ms. María Antonia Toyo, a witness.²¹

July 8, 2002: The Committee of Relatives of Victims of the Events of February-March 1989 ("COFAVIC") requests that the Attorney General's Office guarantee the victims of the case protection, reparations, and status updates.²²

October 4 and 11, 2005: The Criminal and Criminalistics Investigations

15. *Id.* ¶ 49.

16. *Id.* ¶ 51.

17. Uzcátegui et al. v. Venezuela, Admissibility Report, ¶ 21.

18. *Id.*

19. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 56.

20. Uzcátegui et al. v. Venezuela, Admissibility Report, ¶ 21.

21. *Id.*

22. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 63, n.6.

Force (“CICPC”) reports that of two evidence bags found, one was in good condition while the other was wet and compressed, preventing its identification.²³ The evidence is moved to another location.²⁴

October 24, 2005: CICPC reports that the location of the evidence is unknown because water damage has made the evidence difficult to identify.²⁵

September 3, 2008: The Prosecutor’s Office charges a police officer with simulating a punishable act, improper use of a firearm, and the aggravated homicide of Mr. Uzcátegui. Two days later, the Prosecutor’s Office similarly charges another officer.²⁶

2. Events pertaining to Mr. Luis Uzcátegui and Mr. Carlos Uzcátegui

January 1–2, 2001: Mr. Luis Uzcátegui and Mr. Carlos Uzcátegui, brothers of Mr. Néstor José Uzcátegui, are two of the relatives present during the shooting.²⁷ Not long after the incident, both Mr. Luis Uzcátegui and Mr. Carlos Uzcátegui, a minor, are arrested and taken to the Armed Police Forces headquarters.²⁸

The police interrogate Mr. Luis Uzcátegui, who accuses his interrogators of being the individuals who participated in the killing of his brother.²⁹ The police attempt to transfer him to a remote location, but two relatives intervene and Mr. Luis Uzcátegui is returned to police headquarters.³⁰

January 6, 2001: Mr. Luis Uzcátegui is at a relative’s home when two police officers arrive and “invite” him to go to Caracas; he refuses.³¹

January 7, 2001: The same two police officers arrive again but Mr. Luis Uzcátegui does not answer the door.³²

23. Uzcátegui et al. v. Venezuela, Admissibility Report, ¶ 21.

24. *Id.*

25. *Id.*

26. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 80.

27. Uzcátegui et al. v. Venezuela, Admissibility Report, ¶ 18.

28. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 88.

29. Uzcátegui et al. v. Venezuela, Admissibility Report, ¶ 18.

30. *Id.*

31. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 89.

32. *Id.*

March 15, 2001: Police officials knock down the door to Mr. Luis Uzcátegui's house and conduct a warrantless search.³³ In addition, the police slap Mr. Carlos Uzcátegui, threatening to kill Mr. Luis Uzcátegui if the latter does not stop speaking out against the police.³⁴

July 20, 2001: A police official serves Mr. Luis Uzcátegui with a summons to the police headquarters so that the Commander General of police may confront him about the complaints he filed surrounding the events of January 2001.³⁵ The police threaten Mr. Luis Uzcátegui with arrest after he refuses to sign the summons.³⁶

July 25, 2001: Mr. Luis Uzcátegui files a complaint about the incident on July 20, 2001.³⁷

September 10, 2001: Mr. Luis Uzcátegui begins to receive anonymous calls at his home and at work.³⁸ The calls are threatening in nature and allude to a fate similar to that which his brother suffered.³⁹

April 9, 2002: Five police officers are stationed outside Mr. Luis Uzcátegui's home when he returns from work.⁴⁰ Upon seeing the officers, Mr. Luis Uzcátegui decides to pass by his house rather than go inside.⁴¹ He receives a phone call from his secretary warning him that the police are there to kill him.⁴² The police search his room for a weapon without a warrant.⁴³

April 13, 2002: Disguising themselves as civilians, the police again search Mr. Luis Uzcátegui's home without a warrant and simultaneously damage property.⁴⁴

33. Uzcátegui et al. v. Venezuela, Admissibility Report, ¶ 25.

34. *Id.*

35. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 90.

36. *Id.*

37. *Id.*

38. Uzcátegui et al. v. Venezuela, Admissibility Report, ¶ 25.

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.*

43. *Id.*

44. *Id.*

September 6, 2002: Two police officials confront Mr. Luis Uzcátegui as he exits a store, check his identification, and attempt to arrest him.⁴⁵ Mr. Luis Uzcátegui protests, showing the police officials a copy of the Constitution and stating that he cannot be arrested without a court order.⁴⁶ The police toss aside the Constitution, handcuff him, and drive him to a deserted area, where they physically assault and threaten him.⁴⁷

November 13, 2002: Anonymous individuals assault Mr. Luis Uzcátegui's sister, Ms. Paula Uzcátegui, and attempt to take her three-year-old daughter from her arms.⁴⁸ The anonymous individuals threaten her daughter's life if Mr. Luis Uzcátegui continues to complain about the police.⁴⁹

November 14, 2002: Two individuals shoot at Mr. Luis Uzcátegui near his home.⁵⁰

January 25, 2003: Mr. Luis Uzcátegui is arrested based on an alleged claim by his sister, Ms. Irmelis Gabriela Uzcátegui Jiménez, that both she and her mother, Ms. Yrma Josefina Jiménez, are victims of domestic violence by him.⁵¹ There is no record in the registry of detained persons or in the arrest books of this incident.⁵²

January 28, 2003: The First Prosecutor summons Mr. Luis Uzcátegui to appear for an investigation regarding his arrest on January 25, 2003.⁵³

January 31, 2003: Mr. Luis Uzcátegui gives testimony about his arrest on January 25, 2003.⁵⁴ The First Prosecutor opens an investigation into his detention.⁵⁵

February 7, 2003: The Commander General of the police files a com-

45. *Id.*

46. *Id.*

47. *Id.*

48. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 91.

49. *Id.*

50. *Id.* ¶ 92.

51. *Id.* ¶ 93.

52. *Id.* ¶ 94.

53. *Id.* ¶ 101.

54. *Id.* ¶ 104.

55. *Id.*

plaint against Mr. Luis Uzcátegui for alleged slander.⁵⁶

February 28, 2003: The First Prosecutor's office files criminal charges, citing unlawful arrest, against one of the police officers responsible for detaining Mr. Luis Uzcátegui.⁵⁷

June 2, 2003: Mr. Luis Uzcátegui receives an anonymous letter, put together from various newspaper cutouts, that threatens his life for speaking out against the "commander."⁵⁸

February 29, 2004: At two in the morning, armed and masked officials enter Mr. Luis Uzcátegui's home.⁵⁹ They order Mr. Luis Uzcátegui to turn himself in, which he does in an attempt to avoid risk of harm to his sister.⁶⁰ The intruders beat him and threaten his life repeatedly before he is transferred to an undisclosed location and tortured.⁶¹ This persists for seventeen days.⁶² Afterward, Mr. Luis Uzcátegui leaves his job and schooling to move to the state of Anzoátegui to be near his father.⁶³

April 9, 2008: The court dismisses the slander case against Mr. Luis Uzcátegui.⁶⁴

December 10, 2008: The three police officials involved in the arrest of Mr. Luis Uzcátegui on domestic violence charges are accused of the crimes of unlawful arrest, forced entry into a home, abuse of authority, and arrest without a warrant.⁶⁵

February 3, 2009: The case is dismissed because the trial court finds that there are no facts to constitute a crime.⁶⁶

56. *Id.* ¶ 124.

57. *Id.* ¶ 107.

58. Uzcátegui et al. v. Venezuela, Admissibility Report, ¶ 25.

59. *Id.*

60. *Id.*

61. *Id.*

62. *Id.*

63. *Id.*

64. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 128.

65. *Id.* ¶¶ 117, 119.

66. *Id.* ¶ 120.

B. Other Relevant Facts

Conflicting Testimony: There are two sets of conflicting testimonies with regard to the death of Mr. Néstor José Uzcátegui.⁶⁷ On the one hand, the relatives of the deceased allege that the police forcibly enter the house and kill an unarmed Mr. Néstor José Uzcátegui.⁶⁸ The family alleges that the police subsequently planted a firearm at the scene to allude to a confrontation.⁶⁹ On the other hand, the police officials involved in the incident testify that they arrived at the house with the intention of helping another police unit, which claimed to have been shot at by an individual named Mr. Néstor José Uzcátegui.⁷⁰

1999–2013: During his fourteen-year reign, which ended upon his death,⁷¹ President Hugo Chávez establishes a police force that implements his militaristic and “confrontational” ideals.⁷² Subsequently, the State’s police force earns a reputation for its brutality and corruption, and experts note a correlation between police corruption and the State’s murder rate, which is one of the highest in the world.⁷³ Additionally, most homicides lack sufficient legal consequences.⁷⁴

II. PROCEDURAL HISTORY

A. Before the Commission

October 18, 2002: The Commission requests that the State adopt provisional measures to protect Mr. Luis Uzcátegui’s Article 4 (Right to Life) and Article 5 (Right to Humane Treatment) rights and to prosecute those who have infringed those rights.⁷⁵ The provisional measures are

67. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶¶ 41–42.

68. *Id.* ¶ 42.

69. *Id.*

70. *Id.* ¶ 43.

71. See Ami Sedghi, *How Did Venezuela Change Under Chávez?*, THE GUARDIAN (Mar. 6, 2013), <http://www.theguardian.com/news/datablog/2012/oct/04/venezuela-hugo-chavez-election-data>.

72. Simon Romero, *As Crime Soars for Venezuela, Chávez Coasts*, N.Y. TIMES (Dec. 2, 2006), available at <http://www.nytimes.com/2006/12/02/world/americas/02venezuela.html>.

73. *Id.*; *Venezuelan Minister Targets Corrupt Police*, BBC (Jan. 11, 2014), <http://www.bbc.com/news/world-latin-america-25701480>.

74. *Venezuelan Minister Targets Corrupt Police*, *supra* n.73.

75. Uzcátegui et al. v. Venezuela, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) No. 01, ¶ 1 (Nov. 27, 2002); Uzcátegui et al v. Venezuela, Merits and Reparations, ¶

based on the Commission's concern over the police force's potentially criminal and threatening nature.⁷⁶ Additionally, the Commission notes that, despite its previous order, the State has yet to ensure Mr. Luis Uzcátegui's safety or conduct an accurate investigation.⁷⁷

November 25, 2002: The Commission requests that the Court order provisional measures because the State has not taken steps to protect Mr. Luis Uzcátegui.⁷⁸

November 27, 2002: The Court rules that the provisional measures are necessary and warranted and orders the State to comply.⁷⁹

February 20, 2003: The President of the Court requests the Commission and the State to update the Court on the status of the provisional measures ordered on November 21, 2002.⁸⁰ The Commission testifies that Mr. Luis Uzcátegui continues to be the victim of police harassment, even after the provisional measures were ordered.⁸¹ The State counter argues that Mr. Luis Uzcátegui's "irregular behavior" has made it difficult for the State to comply with the Court's order for provisional measures.⁸² The Court rules that the State has not effectively implemented the Court's order for provisional measures and finds it necessary to reiterate that the State must comply with the Court's previous ruling.⁸³

March 14, 2007: Comité de Familiares de Víctimas de los Sucesos de February-Marzo de 1989 ("COFAVIC") and the Center for Justice and International Law ("CEJIL") file a petition with the Inter-American Commission on Human Rights ("the Commission") on behalf of Mr. Néstor José Uzcátegui, Mr. Luis Uzcátegui, and their relatives.⁸⁴

July 24, 2008: The Commission issues Report on Admissibility No. 50/

185.

76. Uzcátegui et al v. Venezuela, Provisional Measures No. 01, ¶ 2.

77. *Id.* ¶ 3.

78. *Id.* ¶¶ 2(f), 3.

79. *Id.* ¶¶ 5, 1–6; Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 185.

80. Uzcátegui et al. v. Venezuela, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) No. 02, ¶ 8 (Feb. 20, 2003).

81. *Id.* ¶ 17.

82. *Id.* ¶ 18.

83. *Id.* ¶¶ 1–2.

84. Uzcátegui et al. v. Venezuela, Admissibility Report, ¶ 1.

08.⁸⁵

July 14, 2010: The Commission issues Report on Merits No. 88/10.⁸⁶ The Commission finds that the State violated Articles 4(1) (Prohibition on Arbitrary Deprivation of Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), 11 (Right to Privacy), 13 (Freedom of Thought and Expression), 19 (Rights of a Child), and 25 (Right to Judicial Protection).⁸⁷ The Commission recommends that the State investigate these violations and prosecute those responsible, with a primary focus on the death of Mr. Néstor José Uzcátegui and the violations of the rights of Mr. Luis Uzcátegui and Mr. Carlos Uzcátegui.⁸⁸ Additionally, the Commission recommends that the State amend its definition of the crimes of libel and slander in accordance with international standards.⁸⁹ Further, the Commission recommends that the State adequately compensate the victims for damages suffered.⁹⁰

B. Before the Court

January 27, 2009: The Court notes that Mr. Luis Uzcátegui continues to be the victim of police harassment but does not have sufficient information to rule that the more recent incidents are of the same gravity as the previous acts that warranted the provisional measures.⁹¹ Thus, the Court requests more information to establish that additional provisional measures are required to ensure Mr. Luis Uzcátegui's personal integrity and safety.⁹² Additionally, while the Court notes that the State has continued to fail to adequately investigate, the situation does not rise to the gravity of additional provisional measures.⁹³ Thus, the Court rules that the State shall maintain the provisional measures implemented on November 27, 2002 for six more months and that the representatives shall provide further information to prove that provisional measures continue to be necessary.⁹⁴

85. Uzcátegui et al. v. Venezuela, Merits and Reparations, n.6.

86. *Id.*

87. *Id.* ¶ 2.

88. *Id.* ¶ 244.

89. *Id.* ¶ 270.

90. *Id.* ¶ 276.

91. Uzcátegui et al. v. Venezuela, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) No. 04, ¶¶ 25–26 (Jan. 27, 2009).

92. *Id.*

93. *Id.* ¶¶ 31–30.

94. *Id.* ¶¶ 1–5.

October 22, 2010: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁹⁵

1. Violations Alleged by Commission⁹⁶

Article 4(1) (Prohibition of Arbitrary Deprivation of Life)

Article 5 (Right to Humane Treatment)

Article 7 (Right to Personal Liberty)

Article 8 (Right to a Fair Trial)

Article 11 (Right to Privacy)

Article 13 (Freedom of Thought and Expression)

Article 21 (Right to Property)

Article 25 (Right to Judicial Protection)

all in relation to:

Article 1(1) (Obligation to Respect Rights)

Article (2) (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.

2. Violations Alleged by Representatives of the Victims⁹⁷

Same Violations Alleged by Commission, plus:

Article 19 (Rights of the Child)

Article 21 (Right to Property)

Article 63(2)

all in relation to:

Article 44

Article 13(1) (Right to Seek, Receive, and Impart Information and Ideas) of the American Convention; *and*

Article 1 (Obligation to Prevent and Punish Torture)

Article 2 (Definition of Torture)

Article 3 (Persons Who May Be Found Guilty of Torture) of the Inter-American Convention to Prevent and Punish Torture.

95. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 4.

96. *Id.* ¶¶ 2, 129. Elizabeth Abi-Mershed, Catalina Botero, Karla Quintana Osuna, and Lorena Cristina Ramírez served as representatives of the Commission. *Id.* n.12.

97. *Id.* ¶ 3. Comité de Familiares de Víctimas de los Sucesos de February-Marzo de 1989 (COFAVIC) and the Center for Justice and International Law (CEJIL) serve as representatives of Mr. Néstor José Uzcátegui, Mr. Luis Uzcátegui and relatives. *Id.*

November 15, 2011: “Article 19”, an organization that advocates for freedom of expression and freedom of information,⁹⁸ submits an amicus curiae brief to the Court.⁹⁹

December 21, 2011: The Regional Alliance for Freedom of Expression and Information submits an amicus curiae brief to the court.¹⁰⁰

III. MERITS

A. *Composition of the Court*¹⁰¹

Diego García-Sayán, President
 Manuel E. Ventura Robles, Vice President
 Leonardo A. Franco, Judge
 Rhadys Abreu Blondet, Judge
 Alberto Pérez Pérez, Judge
 Eduardo Vio Grossi, Judge

Pablo Saavedra Alessandri, Secretary
 Emilia Segares Rodríguez, Deputy Secretary

B. *Decision on the Merits*

September 3, 2012: The Court issues its Judgment on the Merits, Reparations and Costs.¹⁰²

The Court found unanimously that Venezuela had violated:

Article 4(1) (Prohibition of Arbitrary Deprivation of Life), in relation to Articles 1(1) and 2 of the Convention, to the detriment of Mr. Néstor José Uzcátegui,¹⁰³ because:

The State attempted to prove that the lethal actions the police took

98. *What We Do*, ARTICLE 19, <https://www.article19.org/pages/en/what-we-do.html>.

99. Uzcátegui et al. v. Venezuela, Merits and Reparations, ¶ 8, n.8.

100. *Id.* ¶ 8, *see* n.9.

101. Judge Margarette May Macaulay could not be present at the discussion or signing of the judgment for reasons of *force majeure*. *Id.* n.1.

102. Uzcátegui et al. v. Venezuela, Merits and Reparations.

103. *Id.* ¶ 143.

against Mr. Néstor José Uzcátegui were necessary and proportional, and thus justified and legitimate.¹⁰⁴ However, the Court took issue with the conflicting testimonies and reports.¹⁰⁵ The Court noted that there were discrepancies in the testimonies between the eyewitnesses and the police regarding whether Mr. Néstor José Uzcátegui left the house the day of the incident, the amount of people in the house at the time of the incident, and whether Mr. Néstor José Uzcátegui opened fire on the police.¹⁰⁶

Additionally, the Court found that the evidence offered by the State, in an attempt to further its own defense, was inherently contradictory.¹⁰⁷ Ballistics reports, police reports, and testimony were all contradictory regarding where Mr. Néstor José Uzcátegui allegedly opened fire, if he shot directly at police or into the sky, and which police units were involved.¹⁰⁸

Due to these inconsistencies, the Court found that the State failed to prove with consistent or sufficient evidence that the police used legitimate, necessary force.¹⁰⁹ Moreover, the Court found that the force used against Mr. Néstor José Uzcátegui caused his death, and thus, the State violated Article 4(1) (Prohibition of Arbitrary Deprivation of Life).¹¹⁰

Article 5(1) (Right to Physical, Mental, and Moral Integrity), in relation to Article 1(1) of the Convention, to the detriment of Mr. Néstor José Uzcátegui,¹¹¹ because:

The Court considered the particular circumstances of the moments before Mr. Néstor José Uzcátegui's death, particularly the amount of force the police used, and the fear and anguish he felt.¹¹² Due to the brevity of his suffering, the Court found that the violation of Mr. Néstor José Uzcátegui's right under Article 4(1)(Right to Life) inherently encompassed a violation of his Article 5(1) (Right to Physical, Mental,

104. *Id.*

105. *Id.* ¶ 134.

106. *Id.*

107. *Id.* ¶ 136.

108. *Id.* ¶¶ 136–37.

109. *Id.* ¶ 143.

110. *Id.*

111. *Id.* ¶ 181.

112. *Id.*

and Moral Integrity) rights.¹¹³

Article 5(1) (Right to Physical, Mental, and Moral Integrity), in relation to Article 1(1) of the Convention, to the detriment of Mr. Luis Uzcátegui, Mr. Carlos Uzcátegui, and their relatives,¹¹⁴ because:

As to the arrest occurring immediately after their brother's execution, the Court found it fair to infer an Article 5(1) (Right to Physical, Mental, and Moral Integrity) violation, despite there being no other evidence besides the testimony of Mr. Luis Uzcátegui and Mr. Carlos Uzcátegui.¹¹⁵ The Court noted that it would be reasonable to assume that an arrest of this circumstance, paired with witnessing their brother's execution, would cause Mr. Luis Uzcátegui and Mr. Carlos Uzcátegui physical, mental, and moral suffering.¹¹⁶

However, as to the events of January 25, 2003, where Mr. Luis Uzcátegui was arrested based on allegations of domestic violence, the Court ruled that there was insufficient evidence to prove mistreatment to constitute an Article 5(1) (Right to Physical, Mental, and Moral Integrity) violation.¹¹⁷

Finally, the Court noted that other members of the Uzcátegui family, namely Mr. Néstor José Uzcátegui's parents, siblings, and niece, witnessed Mr. Néstor José Uzcátegui's execution and witnessed or were victims themselves to threats and acts of harassment to the point where some moved to other states or suffered psychological or mental harm.¹¹⁸ Thus, the Court ruled that the State had also violated these relatives' rights to humane treatment under Article 5(1) (Right to Physical, Mental, and Moral Integrity).¹¹⁹

The Court held that the State violated Mr. Luis Uzcátegui and Mr. Car-

113. *Id.*

114. *Id.* ¶ 182. The Court held the State violated Article 5(1) (Right to Physical, Mental, and Moral Integrity) to the detriment of Carlos Eduardo Uzcátegui, Luis Gilberto Uzcátegui, Yrma Josefina Jiménez, Gleimar Coromoto Uzcátegui Jiménez, Paula Yulimar Uzcátegui Jiménez, Irmeley Gabriela Uzcátegui Jiménez, José Gregorio Mavárez Jiménez, José Leonardo Mavárez Jiménez, and Josianni de Jesús Mora Uzcátegui. *Id.* "Operative Paragraphs" ¶ 3.

115. *Id.* ¶ 182.

116. *Id.*

117. *Id.* ¶ 183.

118. *Id.* ¶ 193.

119. *Id.* ¶ 194.

los Uzcátegui's Article Article 5(1) (Right to Physical, Mental, and Moral Integrity) rights for the arrest following their brother's death, but not with regards to Mr. Luis Uzcátegui's subsequent arrest for the alleged domestic violence.¹²⁰ Additionally, the Court found Article 5(1) (Right to Physical, Mental, and Moral Integrity) violations with respect to the relatives that witnessed the death of Mr. Néstor José Uzcátegui.¹²¹

Article 7(1) (Right to Personal Liberty and Security), Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), Article 4(4) (Right to Be Informed of Reasons of Arrest and Charges), in relation to Article 1(1) of the convention, to the detriment of Mr. Luis Uzcátegui, and Mr. Carlos Uzcátegui,¹²² because:

In general, Article 7 (Right to Personal Liberty) of the American Convention provides that every person has the right to personal liberty, shall not be deprived of physical liberty, shall not be subject to arbitrary arrest or imprisonment, and shall not be detained without being informed of the reason for detention.¹²³ Additionally, the Constitution of the Bolivarian Republic of Venezuela indicates that "no person shall be arrested and detained except pursuant to a court order, unless caught in flagranti delicto."¹²⁴ According to the Court, none of the statements offered by the police officers present at the time of the incident showed that Mr. Luis Uzcátegui, and Mr. Carlos Uzcátegui were arrested due to criminal activity.¹²⁵ In fact, their arrests were made as a result of a separate operation related to Mr. Néstor José Uzcátegui.¹²⁶ Thus, there was no warrant for their arrests and no evidence that the arrests were recorded.¹²⁷

The State alleged that Mr. Luis Uzcátegui, and Mr. Carlos Uzcátegui's arrests were made based on their association with Mr. Néstor José Uzcátegui.¹²⁸ The Court, however, determined that the State did not pro-

120. *Id.* ¶ 181.

121. *Id.*

122. *Id.* ¶ 159.

123. *Id.* ¶ 147, n.211.

124. *Id.* ¶ 149.

125. *Id.*

126. *Id.*

127. *Id.*

128. *Id.* ¶ 150.

*vide adequate evidence to show that Mr. Luis Uzcátegui and Mr. Carlos Uzcátegui had been arrested for that specific reason but rather were detained to “ensure their safety.”*¹²⁹

With regard to the arrest of minors in relation to Mr. Carlos Uzcátegui, the State did not dispute the allegations that the police failed to separate Mr. Carlos Uzcátegu from the other detainees in violation of the 1998 Law for the Protection of Children and Adolescents.¹³⁰ Additionally, the police failed to prove that they immediately informed the Public Prosecutor about Mr. Carlos Uzcátegui’s arrest.¹³¹

Moreover, Article 4(2) of the State Constitution requires competent authority to keep public records of every arrest made, including the identity of the person detained, place, time, circumstances, and officers who made the arrest.¹³² The Court determined that the actions of the police did not conform to domestic regulations based on a court report issued on January 1, 2001.¹³³

Based on the foregoing, the Court determined that the State violated Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law) of the Convention, in relation to Article 1(1).¹³⁴

The Court also determined that, in violation of Article 7(4) (Right to Be Informed of Reasons of Arrest and Charges), the police did not inform the brothers of Mr. Luis Uzcátegui, and Mr. Carlos Uzcátegui the reasons for their arrest and did not provide any specific evidence to prove that the State satisfied their duty to promptly notify the family of the charges against them.¹³⁵

Based on the forgoing reasons, the Court determined that the State violated the right to personal liberty established in Article 7(1)(Right to Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by

129. *Id.*

130. *Id.* ¶ 152.

131. *Id.*

132. *Id.* ¶ 151.

133. *Id.*

134. *Id.* ¶ 154.

135. *Id.* ¶ 156.

Law), and 7(4) (Right to Be Informed of Reasons of Arrest and Charges), of the Convention, in relation to Article 1(1).¹³⁶

Article 11 (Right to Privacy), in relation to Article 1(1) of the Convention, to the detriment of Mr. Néstor José Uzcátegui, Mr. Luis Enrique Uzcátegui, Mr. Carlos Eduardo Uzcátegui, Ms. Gleimar Coromoto Uzcátegui Jiménez, Ms. Paula Yulimar Uzcátegui Jiménez, Mr. Irmely Gabriela Uzcátegui Jiménez, and Ms. Josianni de Jesús Mora Uzcátegui,¹³⁷ because:

Ms. Julia Chiquinquirá Jiménez owned the home that became the site of Mr. Néstor José Uzcátegui's execution.¹³⁸ There is no evidence to show that, on the day of the incident, the police entered Ms. Julia Chiquinquirá Jiménez's home with a warrant, consent of the residents, or other legal means.¹³⁹ Additionally, the Court reasoned that all of the individuals in the house at the time of the incident suffered the same intrusion.¹⁴⁰ Thus, the Court ruled that the State had violated the rights of all the individuals in the house under Article 11 (Right to Privacy) of the American Convention.¹⁴¹

Article 13 (Freedom of Thought and Expression), in relation to Article 1(1) of the Convention, to the detriment of Mr. Luis Uzcátegui,¹⁴² because:

Much of the harassment and threats that Mr. Luis Uzcátegui experienced occurred after he began publically criticizing the government.¹⁴³ It is undisputed that such action was intended to discourage Mr. Luis Uzcátegui from continuing his lobbying.¹⁴⁴ The Court found that the State created a hostile environment for Mr. Luis Uzcátegui because he was attempting to exercise his right of free speech.¹⁴⁵ Moreover, high

136. *Id.* ¶ 159.

137. The court documents do not provide information as to why Ms. Julia Chiquinquirá Jiménez is not listed as a victim, despite the possibility that she was present at the time of the incident and that the incident occurred in her house. *Id.* ¶ 202.

138. *Id.* ¶ 201.

139. *Id.*

140. *Id.* ¶ 202.

141. *Id.*

142. *Id.* ¶ 191.

143. *Id.* ¶ 184.

144. *Id.*

145. *Id.* ¶ 190.

government officials instigated criminal defamation proceedings against Mr. Luis Uzcátegui.¹⁴⁶ The Court found that these criminal proceedings could have been intimidating to Mr. Luis Uzcátegui, which would have discouraged him from freely expressing himself, an effect contrary to the State's obligation to foster freedom of expression.¹⁴⁷

Even though the Court refused to rule definitively whether the State's criminal defamation laws inherently violated certain rights, the Court did find that the totality of actions taken by the State constituted a violation of Mr. Luis Uzcátegui's Article 13(1)(Freedom of Thought and Expression) rights.¹⁴⁸

Article 21(1) (Right to Property), in relation to Article 1(1) of the Convention, to the detriment of Mr. Néstor José Uzcátegui, Mr. Luis Enrique Uzcátegui, Mr. Carlos Eduardo Uzcátegui, Ms. Yrma Josefina Jiménez, Ms. Gleimar Coromoto Uzcátegui Jiménez, Ms. Paula Yulimar Uzcátegui Jiménez, Mr. Irmely Gabriela Uzcátegui Jiménez, and Ms. Josianni de Jesús Mora Uzcátegui,¹⁴⁹ because:

The Court established that while in pursuit of Mr. Néstor José Uzcátegui in his grandmother's home, the police caused damage to both the structure of the home as well as objects inside.¹⁵⁰ Taking into account the socioeconomic status of the Uzcátegui family, the Court ruled that such damage was a significant encroachment on the family's rights.¹⁵¹ This violation extended to all residents of the home.¹⁵² As a result, the Court held that the State violated the Article 21(1) (Right to Property) rights of all the residents of the home, Mr. Néstor José Uzcátegui, Mr. Luis Enrique Uzcátegui, Mr. Carlos Eduardo Uzcátegui, Ms. Yrma Josefina Jiménez, Ms. Gleimar Coromoto Uzcátegui Jiménez, Ms. Paula Yulimar Uzcátegui Jiménez, Mr. Irmely Gabriela Uzcátegui Jiménez, and Ms. Josianni de Jesús Mora Uzcátegui.¹⁵³

Article 8(1) (Right to a Hearing Within Reasonable Time by a

146. *Id.* ¶¶ 188–89.

147. *Id.* ¶ 189.

148. *Id.* ¶ 191.

149. *Id.* ¶ 206.

150. *Id.* ¶ 203.

151. *Id.* ¶ 206.

152. *Id.*

153. *Id.*

Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of Mr. Luis Uzcátegui, Mr. Carlos Eduardo Uzcátegui, and Ms. Paula Uzcátegui,¹⁵⁴ because:

Despite the fact that the Second Prosecutor's Office ordered an investigation into the execution of Mr. Néstor José Uzcátegui the day after it occurred, no formal report or clarification of the facts had been presented.¹⁵⁵ The Court noted that several aspects of the investigation were subpar.¹⁵⁶ For instance, no photographs were taken of Mr. Néstor José Uzcátegui's body or clothing, no assessment was made to test for gunshot residue on his body, no cause of death was established, and his autopsy was incomplete.¹⁵⁷

Several procedures ordered by the Seventh Prosecutor's office remained undone, incomplete, or completed improperly.¹⁵⁸ For example, some ballistics reports requested were not completed until ten years after Mr. Néstor José Uzcátegui's death, an assessment into the weapons used was never initiated, and statements of the police officers involved were not taken until at least nine months later.¹⁵⁹ In addition, the Court took issue with the fact that during the course of this investigation, evidence was lost and improperly preserved, and authorities were slow to comply with requests for evidence and reports.¹⁶⁰ For these reasons, the Court found that the State did not investigate Mr. Néstor José Uzcátegui's death with due diligence.¹⁶¹

Furthermore, the Court ruled that the State's investigation into the death of Mr. Néstor José Uzcátegui exceeded a reasonable time.¹⁶² The Court determined this through an analysis of four factors: (1) complexity of the issue, (2) the procedural actions Mr. Néstor José Uzcátegui's families took, (3) the actions of judicial authority, and (4) any adverse

154. *Id.* ¶ 239.

155. *Id.* ¶ 216.

156. *Id.*

157. *Id.* ¶ 217.

158. *Id.* ¶ 218.

159. *Id.*

160. *Id.* ¶ 219.

161. *Id.* ¶ 223.

162. *Id.* ¶ 224.

*effects the length of the proceedings had on the relatives.*¹⁶³

As to the first factor, the Court determined that the execution of Mr. Néstor José Uzcátegui was not a complex matter, noting that the matter did not include multiple victims and the police involved were easily identifiable.¹⁶⁴ As to the second and third factors, the Court ruled that the relatives of Mr. Néstor José Uzcátegui actively pursued an investigation, even though this type of investigation fell on the burden of the State.¹⁶⁵ In particular, Mr. Luis Uzcátegui persistently pursued procedural action, filing complaints when the investigation lulled.¹⁶⁶ In fact, the Court took note of instances where no furtherance of the investigation was done, bringing to attention to the time between March 6, 2002 and January 20, 2003, September 12, 2003 and June 9, 2005 and December 2005 and April 2, 2008.¹⁶⁷ As to the fourth factor, the Court found it unnecessary to consider any adverse effects in this particular case.¹⁶⁸

Based on the above referenced factors, the Court found that the State did not investigate Mr. Néstor José Uzcátegui's death within a reasonable time period.¹⁶⁹ Despite the fact that two people were being tried for Mr. Néstor José Uzcátegui's death, the Court still found that the State violated Articles 8(1)(Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court) due to the State's lack of diligence and the investigation's unreasonably long duration.¹⁷⁰

The Court further found that the State's investigation into Mr. Luis Uzcátegui's arrest on January 25, 2003, exceeded a reasonable time.¹⁷¹ The Court notes that this particular investigation took more than five years from its inception to the filing of charges against the officers involved.¹⁷² Such undue delay constitutes a violation of Mr. Luis Uz-

163. *Id.*

164. *Id.* ¶ 225.

165. *Id.* ¶ 226.

166. *Id.*

167. *Id.* ¶ 228.

168. *Id.* ¶ 230.

169. *Id.* ¶ 231.

170. *Id.* ¶ 239.

171. *Id.* ¶ 236.

172. *Id.* ¶ 233.

*cátegui's Article 8(1)(Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25(1)(Right of Recourse Before a Competent Court) rights.*¹⁷³

*The Court also found such violations with regards to the corresponding investigations into the harassment and threats to Mr. Luis Uzcátegui, Mr. Carlos Uzcátegui and Ms. Paula Uzcátegui.*¹⁷⁴ *Despite the fact that Mr. Luis Uzcátegui and his relatives, provided a substantial amount of information as to the perpetrators of the harassment and threats, no investigations were carried out.*¹⁷⁵ *Thus, the Court concluded that by failing to investigate such incidents with due diligence, the State violated article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court) to the detriment of Mr. Luis Uzcátegui, Mr. Carlos Uzcátegui and Ms. Paula Uzcátegui Jiménez.*¹⁷⁶

The Court found unanimously that Venezuela had not violated:

Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time), and Article 7(6) (Right to Have Recourse Before a Competent Court) in relation to Article 1(1) of the convention, to the detriment of Mr. Luis Uzcátegui, and Mr. Carlos Uzcátegui,¹⁷⁷ because:

*With regard to the alleged arbitrariness of the detention, the Court determined that there was insufficient factual and evidentiary documentation to find a violation of Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment).*¹⁷⁸

*Additionally, pertaining to the proper judicial review of the arrest, the Court determined that Mr. Luis Uzcátegui, and Mr. Carlos Uzcátegui were in detention for a time frame that was less than thirty-six hours.*¹⁷⁹ *Thus, the Court determined that there was insufficient evidence to find a*

173. *Id.* ¶ 239.

174. *Id.* ¶ 237.

175. *Id.* ¶¶ 237–38.

176. *Id.* ¶ 239.

177. *Id.* ¶¶ 155, 157–58.

178. *Id.* ¶ 156.

179. *Id.* ¶ 157.

violation of Article 5 (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time).¹⁸⁰

In regards to Article 7(6) (Right to Have Recourse Before a Competent Court), which protects the right of a detainee to appear before a judge, the Court determined that the representatives did not provide information regarding the internal remedies by which Mr. Luis Uzcátegui and Mr. Carlos Uzcátegui could have had the legality of their arrests reviewed.¹⁸¹ Additionally, there were no allegations that Mr. Luis Uzcátegui and Mr. Carlos Uzcátegui even tried to exercise or were actually entitled to some type of remedy in this regard.¹⁸² Thus, the Court determined that it was unable to determine whether or not the State violated Article 7(6) (Right to Have Recourse Before a Competent Court).¹⁸³

C. Dissenting and Concurring Opinions

1. Concurring Opinion of Judge Eduardo Vio Grossi

In a separate concurring opinion, Judge Vio Grossi argued for the inclusion of two clauses that codified relevant provisional measures for this case.¹⁸⁴

Judge Vio Grossi argued that, by law, provisional measures are only enacted for matters that are likely to be heard in the future by the Court.¹⁸⁵ Such matters are then adjudicated by the Court and admitted as cases, from which a judgment is rendered.¹⁸⁶ Thus, it follows that the issues in the initial matters giving rise to provisional measures are the same issues that arise in the subsequent case.¹⁸⁷ Accordingly, the main difference between a provisional measure and a judgment is that the provisional measures come before a matter is adjudicated, whereas a judgment comes after.¹⁸⁸ Both the provisional measures and the judg-

180. *Id.*

181. *Id.* ¶ 158.

182. *Id.*

183. *Id.*

184. Uzcátegui et al v. Venezuela, Preliminary Objections, Merits, Reparations, and Cost, Separate Opinion of Judge Eduardo Vio Grossi, Inter-Am. Ct. H.R. (ser. C) No. 249, ¶ 1 (Sept. 3, 2012).

185. *Id.* ¶ 22.

186. *Id.* ¶ 21.

187. *Id.* ¶ 23.

188. *Id.* ¶ 30.

ment carry with it the purpose of protecting a victim's rights.¹⁸⁹ Therefore, many judgments contain devices that mimic provisional measures because once the judgment is rendered there is no rule that allows the Court to enforce provisional measures individually.¹⁹⁰

Judge Vio Grossi was primarily concerned that, without the proposed clauses, the judgment would preempt or preclude the provisional measures already in place.¹⁹¹ For the above-explained reason, Judge Vio Grossi argued that it was important to include the provisional measures in the judgment to ensure that certain rights were permanent.¹⁹²

IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

1. Investigate the Facts

The State must effectively and diligently investigate any open matters and must open other investigations as deemed necessary to shed clarity onto the violations.¹⁹³ In addition, the State must grant transparency and allow the Uzcátegui family to participate in these investigations by providing information and allowing the family to partake in the prosecution when appropriate.¹⁹⁴ The results of such proceedings must be disclosed to the public.¹⁹⁵

Finally, the State must open an investigation into the shortcomings of the previous investigations to find procedural and investigative inadequacies and must sanction, if appropriate, for such issues.¹⁹⁶

189. *Id.*

190. *Id.* ¶¶ 30, 36.

191. *Id.* ¶ 8.

192. *Id.* ¶ 1.

193. *Id.* ¶ 248.

194. *Id.* ¶ 249.

195. *Id.*

196. *Id.* ¶ 250.

2. Implement Rehabilitation Measures

The State must provide free medical and psychological care, including medication, to the victims as they request it and for as long as necessary.¹⁹⁷

3. Publish the Judgment

The State must publish an official summary of the Judgment in the State's official newspaper, another newspaper with a wide national circulation, and a local newspaper of the State of Falcón.¹⁹⁸ The State must additionally publish the full Judgment on a website made available for a year.¹⁹⁹

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court ordered the State to pay \$65,000 for the loss of earnings of Mr. Néstor José Uzcátegui.²⁰⁰ The State must pay an additional \$100 to go toward the funeral expenses of Mr. Néstor José Uzcátegui.²⁰¹

Furthermore, the State must pay \$3,000, in equity, to Mr. Néstor José Uzcátegui's heirs, Mr. Luis Enrique Uzcátegui, Mr. Carlos Eduardo Uzcátegui, Ms. Yrma Josefina Jiménez, Ms. Gleimar Coromoto Uzcátegui Jiménez, Ms. Paula Yulimar Uzcátegui Jiménez, Mr. Irmely Gabriela Uzcátegui Jiménez, and Ms. Josianni de Jesús Mora Uzcátegui.²⁰²

2. Non-Pecuniary Damages

The Court ruled that the State must pay \$60,000 to Mr. Néstor José

197. *Id.* ¶ 253.

198. *Id.* ¶ 256.

199. *Id.*

200. *Id.* ¶ 278.

201. *Id.*

202. *Id.* ¶ 279.

Uzcátegui's heirs; \$50,000 to Mr. Luis Enrique Uzcátegui; \$25,000 to Mr. Carlos Eduardo Uzcátegui; \$15,000 to Ms. Yrma Josefina Jiménez; \$15,000 to Mr. Luis Gilberto Uzcátegui; \$10,000 to Mr. Gregorio Mavarez Jiménez; \$10,000 to Mr. José Leonardo Mavarez Jiménez; \$10,000 to Ms. Paula Yulimar Uzcátegui Jiménez; \$10,000 to Ms. Gleimar Coromoto Uzcátegui Jiménez; \$10,000 to Ms. Irmely Gabriela Uzcátegui Jiménez; and \$5,000 to Ms. Josianni De Jesús Mora Jiménez.²⁰³

3. Costs and Expenses

While COFAVIC provided legal services to the family of Mr. Néstor José Uzcátegui *pro bono*, the Court recognized that the family still incurred various costs in connection to the proceedings.²⁰⁴ Thus, the Court ordered the State to pay \$5,000 to Mr. Luis Uzcátegui, for such expenses.²⁰⁵

Additionally, the Court recognized that both COFAVIC and CEJIL incurred various expenses in connection to the proceedings.²⁰⁶ Thus, the Court awarded COFAVIC \$25,000 and CEJIL \$4,000 for such expenses.²⁰⁷

Finally, the Court ordered that the State must reimburse the Legal Assistance Fund a total of \$4,833.12.²⁰⁸

4. Total Compensation (including Costs and Expenses ordered):

\$ 326,933.12

C. Deadlines

The State must provide requested medical care immediately upon request.²⁰⁹ The victims have six months from the time of this judgment to request such care.²¹⁰

The State must publish an official summary of the Judgment in the

203. *Id.* ¶ 281.

204. *Id.* ¶ 283.

205. *Id.*

206. *Id.* ¶ 285.

207. *Id.*

208. *Id.* ¶ 187.

209. *Id.* ¶ 254.

210. *Id.*

official State newspaper, in another national newspaper, and in a local newspaper in the State of Falcón within six months of the date of the Judgment.²¹¹

The State publish the Judgment in its entirety on an official website within six months from the date of the Judgment.²¹²

The State must reimburse the total amount owed to the Legal Assistance Fund within ninety days of the date of the Judgment.²¹³

The State must pay pecuniary damages, non-pecuniary damages, and costs and expenses to the victims or their heirs within one year of notification of the Judgment.²¹⁴

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

November 20, 2015: The Court found that the State did not provide the Court with the information necessary for the Court to determine if the State had fulfilled its obligations.²¹⁵ Accordingly, the Court ordered the State to provide the requisite information by March 31, 2016 in order for the Court to evaluate whether the State has adequately complied with the Court's order.²¹⁶ Moreover, the Court ordered the State to continue to comply with the reparations as ordered in the judgment.²¹⁷

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[None]

211. *Id.* ¶ 256.

212. *Id.*

213. *Id.* ¶ 287.

214. *Id.* ¶ 288.

215. *Uzcátegui et al v. Venezuela, Monitoring Compliance with Judgment Order of the Court, Inter-Am. Ct. H.R. "Declares That" ¶¶ 1–2 (Nov. 20, 2015) (Available only in Spanish).*

216. *Id.* "And Resolves" ¶¶ 5–6.

217. *Id.* "And Resolves" ¶ 4.

2. Decisions on Merits, Reparations and Costs

[Uzcátegui et al. v. Venezuela, Merits and Reparations, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 249 \(Sept. 3, 2012\).](#)

[Uzcátegui et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Cost, Separate Opinion of Judge Eduardo Vio Grossi, Inter-Am. Ct. H.R. \(ser. C\) No. 249 \(Sept. 3, 2012\).](#)

3. Provisional Measures

[Uzcátegui et al. v. Venezuela, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) No. 01 \(Nov. 27, 2002\).](#)

[Uzcátegui et al. v. Venezuela, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) No. 02 \(Feb. 20, 2003\).](#)

[Uzcátegui et al. v. Venezuela, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) No. 04 \(Jan. 27, 2009\).](#)

4. Compliance Monitoring

[Uzcátegui et al. v. Venezuela, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 20, 2015\) \(Available only in Spanish\).](#)

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

[Uzcátegui et al. v. Venezuela, Admissibility Report, Report No. 50/80, Inter-Am. Comm'n H.R., Case No. 298-07 \(July 24, 2008\).](#)

3. Provisional Measures

[None]

4. Report on Merits

Uzcátegui et al v. Venezuela, Report on Merits, Report No. 88/10, Inter-Am. Comm'n H.R., Case No. 298-07 (July 14, 2010).

5. Application to the Court

[Not Available]

VIII. BIBLIOGRAPHY

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Venezuelan Minister Targets Corrupt Police, BBC (Jan. 11, 2014), <http://www.bbc.com/news/world-latin-america-25701480>

What We Do, ARTICLE 19, <https://www.article19.org/pages/en/what-we-do.html>.